

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

**IN RE:**

**Paul D. Hart  
Virginia D. Hart  
Debtors.**

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**In Proceedings Under  
Chapter 13**

**Case No.: 11-71245-BHL-13**

**DEBTORS' MOTION TO MODIFY PLAN AFTER CONFIRMATION  
AND NOTICE OF RESPONSE DEADLINE**

**COMES NOW** Debtors, by Counsel, and herewith files this Motion to Modify Plan After Confirmation. In support of this Motion the Debtors state as follows:

1. Debtors filed for relief under Chapter 13 on August 4, 2011. The Plan was confirmed by Order of this Court on October 17, 2011. The Monthly payment presently is \$750.00. There are 23 months remaining;
2. Debtor Wife is unemployed. Debtor Husband is employed but the overall income presently in the household, as compared to the income projected on Schedule I at filing, is approximately \$1,600.00 less than projected at filing as follows (Debtor Husband's wage income - there is presently no other income in the home):

<b>Pay date</b>	<b>Gross pay</b>	<b>Net Pay (after adding back in deduction for plan payment)</b>
June 27, 2014	\$1,021.69	\$668.21
July 3, 2012	\$515.34	\$288.13
July 11, 2014	\$841.68	\$553.40
July 18, 2014	\$519.42	\$318.31
July 25, 2014	\$665.73	\$425.04
August 1, 2014	\$487.92	\$267.12
August 8, 2014	\$781.52	\$509.49
August 15, 2014	\$997.02	\$652.69
August 22, 2014	\$1,069.16	\$698.11
August 29, 2014	\$1,072.03	\$699.91
September 5, 2014	\$530.58	\$298.24
September 12, 2014	\$1,215.96	\$790.56

September 19, 2014	\$1,066.29	\$696.30
September 26, 2014	\$790.07	\$515.74
<b>Totals - 14 pays</b>	<b>\$11,574.41 /14 = \$826.74 x 4.3 = \$3,554.99</b>	<b>\$7,381.25 /14 = \$527.23 x 4.3 = \$2,267.09</b>

(\$2,267.09 average for 14 pays versus \$3,845.13 projected total household net income at filing);

3. Although Debtors are economizing in their budget where possible this reduction in disposable household income of approximately \$1,600.00 net has left the Debtors unable to fund the current plan payment of \$750.00 and fund necessary, ordinary and usual household expenses;
4. Therefore, Debtors pray that the Court modify the Debtors' confirmed plan after confirmation as follows:
  - a. Decrease monthly plan payments from \$750.00 monthly to \$300.00 commencing October, 2014 or as soon thereafter as is practical through April, 2015;
  - b. Reduce the fixed monthly payment to Toyota Motor Credit Corporation on the 2009 Rav 4 from \$450.00 monthly to \$275.00 monthly from October, 2014 through April, 2015; and
  - c. Plan term remain the same.
5. This modification is in the best interests of the Debtors, the estate, and the creditors thereof.

**PLEASE TAKE NOTICE THAT** any objection must be filed with the Bankruptcy Clerk within **21** days of the date of this notice [or such other time as may be permitted by Fed.R. Bank.P. 9006(f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. Mail, courier, overnight/express mail or in person at:

United States Bankruptcy Court  
352 Federal Building  
101 N.W. M.L. King Blvd.  
Evansville, IN 47708

The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is not timely filed, the requested relief may be granted.** If a response is filed, a hearing will be set at a later date, and all parties will receive notice of that hearing.

**WHEREFORE**, the Debtors pray the Court modify the confirmed plan as requested herein, and for all other relief deemed appropriate in the premises.

Respectfully Submitted,

October 7, 2014

/s/ Kevin S. Kinkade  
 Kevin S. Kinkade  
 Attorney for Debtor  
 123 N. W. Fourth Street, Suite 201  
 Evansville, IN 47708  
 Telephone: (812) 434-4909  
 kinkadeassociates@hotmail.com

**Certificate of Service**

The undersigned hereby certifies that on October 7, 2014, a copy of the foregoing **Motion to Modify Plan After Confirmation and Notice of Response Deadline** was filed electronically. Notice of this filing will be delivered to the following concerned individuals electronically, through the Court's electronic case filing system. Parties may access this filing through said system.

US TRUSTEE ustregion10.in.ecf@usdoj.gov	<a href="#">Robert Musgrave</a> Chapter 13 Trustee chap13@trustee13.com
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The undersigned hereby certifies that a true and correct copy of the foregoing document was delivered to the following concerned individuals by U.S. Mail on this day, October 7, 2014.

Paul & Virginia Hart 3108 Arlington Ave. Evansville, IN 47712	Asset Recovery Solutions 2200 E Devon Ave., Ste 200 Des Plaines, IL 60018-4501	Best Buy Credit Services PO Box 183195 Columbus, OH 43218-3195
Bureaus Investment Group No 15 1717 Central St Evanston, IL 60201	Bureaus Investment Group Portfolio No 15 LLC c/o Recovery Management Systems Corporate 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605	CANDICA, LLC c/o Weinstein & Riley, PS 2001 Western Ave, Ste 400 Seattle, WA 98121
Capital Management Services 726 Exchange St Ste 700 Buffalo, NY 14210	Capital One Bankruptcy Department PO Box 54529 Oklahoma City, OK 73154	Capital One, N.A Bass & Associates, P.C. 3936 E. Ft. Lowell Rd, Ste 200 Tucson, AZ 85712
Chase Bank USA, N.A. PO Box 15153 Wilmington, DE 19850	Credit One Bank PO Box 98873 Las Vegas, NV 89193	Deaconess Health System P.O. Box 1230 Evansville, IN 47706-1230

Deaconess Hospital PO Box 152 Evansville, IN 47701-0152	eCAST Settlement Corp c/o Bass & Associates, P.C. 3936 E Ft. Lowell, Ste 200 Tucson, AZ 85712	Evansville Ambulance Service 950 Virginia St. Evansville, IN 47711
Family Medicine Associates PO Box 2788 Evansville, IN 47728-0788	Fashion Bug PO Box 182272 Columbus, OH 43218	Fifth Third Bank /Southern IN PO Box 630900 Cincinnati, OH 45263-0900
Fifth Third Mortgage Co 5001 Kingsley Drive MD 1MOBBW Cincinnati, OH 45227	Flynn, Rheinlander And Shaw Po Box 3047 Evansville, IN 47730	Home Depot 2455 Paces Ferry Rd Atlanta, GA 30339
HSBC 961 North Weigel Ave Elmhurst, IL 60127	HSBC Bank Nevada, Bass & Associates, P.C. 3936 E. Ft. Lowell Rd, Ste 200 Tucson, AZ 85712	Kahn, Dees, Donovan & Kahn PO Box 3646 Evansville, IN 47735-3646
Lowes/GEMB PO Box 965004 Orlando, FL 33896	LVNV Funding LLC its successors and assigns c/o Resurgent Capital Svcs PO Box 10587 Greenville, SC 29603-0587	Med 1 Solutions 517 US Hwy 31 N Greenwood, IN 46142
Medical And Professional 5055 Newburgh Plaza South Newburgh, IN 47629	Northland Group Inc PO Box 390846 Minneapolis, MN 55439	Old National Bank PO Box 867 -Bankruptcy Evansville, IN 47705-9987
Old National Bank 1 Main St Evansville, IN 47708-1464	Oral Surg Group Of Eville 550 W. Virginia St Evansville, IN 47710-1614	Oral Surgery Group c/o David M. Shaw Flynn, Rheinlander & Shaw P.O. Box 3047 Evansville, IN 47730-3047
Portfolio Recovery Associates, LLC 120 Corporate Blvd, Ste 100 Norfolk, VA 23541	Sams Club PO Box 530942 Atlanta, GA 30353	Sears PO Box 183082 Columbus, OH 43218-3082
Sentry Credit, Inc. 2809 Grand Ave Everett, WA 98201	Steven Freimiller 3108 Arlington Ave Evansville, IN 47712	Toyota Financial Services PO BOX 8026 Cedar Rapids, Iowa 52408
Toyota Motor Credit Corporation (TMCC)	Vanderburgh Co Treasurer Room 210 Civic Center	Victorias Secret PO Box 182125

PO BOX 8026 Cedar Rapids, Iowa 52408	1 NW Martin Luther King JR BLVD Evansville IN 47708-1832	Columbus, OH 43218
Walmart PO Box 530927 Atlanta, GA 30353-0927	World Financial Network National Bank Quantum3 Group LLC PO Box 788 Kirkland, WA 98083-0788	

/s/ Kevin S. Kinkade

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